

**JOE WARDY**  
MAYOR

**JOYCE WILSON**  
CITY MANAGER



## ***CITY COUNCIL***

**SUSAN AUSTIN**  
DISTRICT NO. 1

**ROBERT A. CUSHING, JR.**  
DISTRICT NO. 2

**JOSE ALEXANDRO LOZANO**  
DISTRICT NO. 3

**JOHN F. COOK**  
DISTRICT NO. 4

**PRESI ORTEGA, JR.**  
DISTRICT NO. 5

**PAUL J. ESCOBAR**  
DISTRICT NO. 6

**VIVIAN ROJAS**  
DISTRICT NO. 7

**ANTHONY W. COBOS**  
DISTRICT NO. 8

### **PROPOSED AGENDA FOR REGULAR COUNCIL MEETING, COUNCIL CHAMBERS JUNE 7, 2005 9:00 A.M.**

#### **ROLL CALL**

Invocation – Reverend Lisle H. Davis  
Pledge of Allegiance

#### **RECOGNITIONS**

1. Jane Ratcliff of Northeast El Paso, would like to express her gratitude and appreciation to Rep. Robert A. Cushing, Jr. [Jane Ratcliff]
2. The Central Neighborhood Association and the Manhattan Heights Neighborhood Association, would like to present a Certificate of Appreciation to Rep. Robert A. Cushing, Jr. and thank him for all his hard work. [Jorge Almada]

#### **MAYOR'S PROCLAMATION**

#### ***NATIONAL CANCER SURVIVORS DAY***

#### **NOTICE TO THE PUBLIC**

All matters listed under the CONSENT AGENDA, including those on the Addition to the Agenda, will be considered by City Council to be routine and will be enacted by one motion unless separate discussion is requested by Council Members or persons in the audience. When the vote has been taken, if an item has not been called out for separate discussion, the item has been approved. Council may, however, reconsider any item at any time during the meeting.

#### **CONSENT AGENDA**

1. **APPROVAL OF MINUTES:** [Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]  
Approval of Minutes for the Regular City Council Meeting of May 31, 2005.
2. **REQUEST TO EXCUSE ABSENT CITY COUNCIL MEMBERS:**

**3. RESOLUTIONS:**

**3A.** That the Classification and Compensation Plan shall be amended, as recommended by the Civil Service Commission. The class of **MUNICIPAL COURT SENTENCING COORDINATOR** is hereby created as specified in the duties and responsibilities attached hereto. The Code is **5326**. The Grade is **PM 75**. Salary Range: \$34,751.35 - \$50,722.63 (PM 75)  
Fund Source: 11010011-01101-11000  
[Human Resources, Terry A. Bond, (915) 541-4509]

**3B.** That the Mayor be authorized to sign a COPS Grant, including all necessary documents, letters, understandings and assurances contained therein, and accept a grant in the amount of \$48,473.00 from the U.S. Department of Justice, for a COPS 2005 Secure our Schools grant to continue the CODE BLUE Program in schools in the El Paso area. Funding requested under this grant will be utilized to provide training, training material and equipment to assist public and private schools to develop school-specific exercise plans with first responder agencies. Educational and law enforcement personnel will continue to be educated in critical incident management; authorizing the City Manager or her designee to sign any related paperwork, including all understandings and assurances contained therein, and apply for, accept, reject, alter, or terminate the grant and authorize budget transfers; submit any necessary revisions to the operational plan; that the grant officials be as designated in the agreement; and that the City Manager be authorized to execute on behalf of the City of El Paso, any grant amendments or corrections to the initial Grant Agreement which increase, decrease or deobligate program funds provided that no additional City funds are required, or which decrease the amount of matching funds, and any documents to request and accept an extension of the award ending date for the grant. The grant requires a cash match of 50% in the amount of \$48,473.00, which will come from Confiscated Funds, account # 21150060-500231-16371, for a total amount of \$96,946.00 of which only \$1,400.00 is obligated for materials and supplies within the amount allowed by Lane Duck provisions.  
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

**4. REINSTATEMENT(S):** Request for name(s) to be placed on Reinstatement List in accordance with Article VI, Section 6.10.10, of the Civil Service Charter Provisions:  
[Police Department, Assistant Chief Paul Cross, (915) 564-7310]

Police Department

Bolivar, Oscar – Police Officer  
Howell, Lorene - Secretary I  
Payan, Jesus – Police Officer

**5. STAFFING TABLE CHANGE:**  
[Municipal Clerk, Richarda Duffy Momsen, (915) 541-4127]

Municipal Court

Add 1.00 Municipal Court Sentencing Coordinator PM 75  
Fund Source: 11010011-01101-11000

**6. APPLICATIONS FOR USE OF CITY PARKS/STREETS & SIDEWALKS:**

Permission to use public streets, sidewalks or parks for special events does not constitute endorsement by the City of El Paso of the contents of any expression that takes place during these events.

- 6A.** El Paso Empowerment Zone to use amplification (Stage 1: 1 microphone, 3 amplifiers, 2 speakers and Stage 2: 1 microphone, 1 amplifier, 2 speakers) at Texas Ave between Campbell and Noble on June 18, 2005 and June 19, 2005 from 11:00 a.m. to 9:00 p.m. for a street festival. Approximately 100 persons will take part and 10,000 spectators are anticipated. PERMIT # 05-061

[Lizely Madrigal] **(District 8)**

THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 6B.** El Paso Empowerment Zone to use amplification (Stage 1: 1 microphone, 3 amplifiers, 2 speakers and Stage 2: 1 microphone, 1 amplifier, 2 speakers) at Texas Ave between Campbell and Noble on September 4, 2005 from 11:00 a.m. to 11:00 p.m. for a street festival. Approximately 100 persons will take part and 10,000 spectators are anticipated. PERMIT # 05-062 [Lizely Madrigal] **(District 8)**

THE EL PASO POLICE DEPARTMENT HAS NO OBJECTIONS WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 6C.** El Paso Empowerment Zone to use amplification (Stage 1: 1 microphone, 3 amplifiers, 2 speakers and Stage 2: 1 microphone, 1 amplifier, 2 speakers) at Texas Ave between Campbell and Noble on October 29, 2005 from 11:00 a.m. to 9:00 p.m. for a street festival. Approximately 100 persons will take part and 10,000 spectators are anticipated. PERMIT # 05-063 [Lizely Madrigal] **(District 8)**

THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

- 6D.** Phyllis Davis to block off Buckley between 5632 and 5653 on June 12, 2005 from 4:00 p.m. to 9:00 p.m. for a block party. Approximately 70 persons will take part. Barricades must be manned according to the State's "Manual of Uniform Traffic Control Devices". PERMIT # 05-064 [Phyllis Davis] **(District 1)**

NO OBJECTIONS FROM FIRE, SUN METRO AND TRAFFIC/ENGINEERING. THE EL PASO POLICE DEPARTMENT HAS NO OBJECTION WITH THIS EVENT. THE DEPARTMENT WILL MONITOR THE EVENT AS NECESSARY WITH THE DISTRICT CAR. THERE WILL BE NO COST TO CITY OR APPLICANT. THE OFFICE OF BUILDING PERMITS & INSPECTIONS RECOMMENDS APPROVAL.

## **REGULAR AGENDA**

### **7. INTRODUCTION OF ORDINANCE PURSUANT TO SECTION 3.9 OF THE EL PASO CITY CHARTER:**

An Ordinance amending Chapter 2.64 of the El Paso Municipal Code (City Employees' Pension Fund) to delete references regarding IRS Section 415, clarify elective employee buy back provisions by deleting provisions which are obsolete and renumbering Sections identified as portions of Sections 2.64.120, 2.64.140, 2.64.160, 2.64.190, 2.64.200, 2.64.260 and 2.64.400. [Pension Administration, Robert Ash, (915) 541-4765]

### **PUBLIC HEARING WILL BE HELD ON JUNE 21, 2005 FOR ITEM 7**

Public Hearings will be held as part of the regular City Council meeting which begins at approximately 9AM. All interested persons present shall have an opportunity to be heard at that time. After the public hearings, Council may also delay taking action on Ordinances, no requirement is made by Section 3.9B of the El Paso City Charter to publish any further notice. Copies of all Ordinances are available for review in the City Clerk's office, 2 Civic Center Plaza, Monday through Friday, 8AM to 5PM.

### **8. MAYOR AND COUNCIL:**

**8A.** Discussion and action to direct the proper distribution of monies commonly referred to as "Palo Verde Rewards", in an amount of \$5.8 million dollars, and to evaluate the utilization of the Housing Authority of the City of El Paso (HACEP) as a source for distribution of a part of said funds, not to exceed 50%, since the HACEP serves as the most prominent and distinct institution, with the necessary existing resources and infrastructure, to execute part of these funds, not to exceed 50% to the intended benefit of ". . . low income customers of El Paso Electric Company . . .", absent the current existence of the intended recipient for such funds or any existing successor entity.

To additionally direct the proper distribution any remaining monies, to assist small business and commercial customers for demand side management programs, consistent with the intent of the agreement for said monetary distribution, and to prohibit the utilization of any such remaining monies for any public or quasi-public projects.

Any distributions as set forth would be subject to the direction and approval of the Mayor and City Council. [Representative Robert A. Cushing, Jr., (915) 541-4996]  
**POSTPONED FROM 05/24/05**

**8B.** Discussion and action to direct the El Paso Zoo to relocate elephants Juno and Savannah to the Elephant Sanctuary in Tennessee or similar quality elephant sanctuary facility as soon as feasible, with arrangements to be made by September 1, 2005.  
[Representative Susan Austin, (915) 541-4886 and Mayor Pro-Tem Anthony W. Cobos, (915) 541-4123]

**9. COMPTROLLER:** [Comptroller, Carmen Arrieta-Candelaria, (915) 541-4435]

Discussion and action on a resolution to authorize the City Manager to accept approximately \$5.8 million in Palo Verde Rewards from the El Paso Electric Company, determine how the Palo Verde Rewards will be used, and establish any requisite criteria for directing the use and accounting of the Palo Verde Rewards.

POSTPONED FROM 05/24/05, 05/17/05 AND 05/10/05

**10. PUBLIC HEARING – EL PASO WATER UTILITIES PUBLIC SERVICE BOARD:**

[El Paso Water Utilities Public Service Board, Robert Andron, (915) 594-5506]

An Ordinance authorizing the City Manager to sign a Special Warranty Deed conveying to SFPP, L.P., a subsidiary of Kinder Morgan, G.P., Inc., land totaling approximately 35 acres out of a portion of Tract 5D, Section 21, Block 80, Township 1, Texas and Pacific Railway Company Surveys, and a portion of Tract 1, Section 28, Block 80, Township 1, Texas and Pacific Railway Company Surveys, El Paso, El Paso County, Texas, located in northeast El Paso near Ashley Road and Dyer Street. **(District 4)**

**11. PUBLIC HEARINGS – ENGINEERING DEPARTMENT, TRAFFIC DIVISION:**

[Engineering Department, Traffic Division, Ted Marquez, (915) 541-4035]

**11A.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.180 (No Stopping or Standing - Tow Away Zone), of the El Paso Municipal Code, to delete the Subsection identifying the No Stopping or Standing Tow-Away Zone on Overland Avenue, South side only, between Ochoa Street and Virginia Street. The Penalty as Provided in Section 12.84.010 Of the El Paso Municipal Code. **(District 8)**

**11B.** An Ordinance amending Title 12 (Vehicles and Traffic), Chapter 12.88 (Schedules), Section 12.88.030 (Schedule III, Parking Prohibited At All Times on Certain Streets), of The El Paso Municipal Code, To Add A New Subsection Parking Prohibited at All Times on the East Side of South Virginia Street from Overland Avenue South to the Railroad Tracks. The Penalty as Provided in Section 12.84.010 Of the El Paso Municipal Code. **(District 8)**

**12. PUBLIC HEARING – PENSION ADMINISTRATION:**

[Pension Administration, Robert Ash, (915) 541-4765]

An Ordinance amending Chapter 2.64 (City Employees' Pension Fund) of the El Paso Municipal Code regarding the definition of final pay in the pension calculation.

**13. PUBLIC HEARINGS – PLANNING, RESEARCH AND DEVELOPMENT:**

**13A.** An Ordinance granting Special Permit No. ZON05-00018, to allow for a parking reduction on the property described as the South 25 Feet of Lot 1, Block 118, Campbell Addition, El Paso, El Paso County, Texas pursuant to Section 20.64.175 of the El Paso Municipal Code. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Luis Hernandez. **(District 8)** [Planning, Research and Development, Fred Lopez, (915) 541-4925]

- 13B.** An Ordinance changing the zoning of a portion of Lot A, Block 129, Eastwood Heights Unit K, El Paso, El Paso County, Texas from A-O (Apartment/Office) to A-3 (Apartment) and imposing certain conditions. The penalty being as provided in Chapter 20.68 of the El Paso Municipal Code. Applicant: Nonie R. Willis.

ZON04-00151 **(District 5)**

[Planning, Research and Development, Fred Lopez, (915) 541-4925]

- 14.** The City Council of the City of El Paso may retire into **EXECUTIVE SESSION** pursuant to Section 3.5A of the El Paso City Charter and the Texas Government Code, Chapter 551, Subchapter D, to discuss any of the following: (The items listed below are matters of the sort routinely discussed in Executive Session, but the City Council of the City of El Paso may move to Executive Session any of the items on this agenda, consistent with the terms of the Open Meetings Act.) The City Council will return to open session to take any final action and may also, at any time during the meeting, bring forward any of the following items for public discussion, as appropriate.

Section 551.071 CONSULTATION WITH ATTORNEY

Section 551.072 DELIBERATION REGARDING REAL PROPERTY

Section 551.073 DELIBERATION REGARDING PROSPECTIVE GIFTS

Section 551.074 PERSONNEL MATTERS

Section 551.076 DELIBERATION REGARDING SECURITY DEVICES

Section 551.087 DELIBERATION REGARDING ECONOMIC DEVELOPMENT NEGOTIATIONS

Sign Language interpreters are provided for regular City Council meetings. Copies of this Agenda will be provided in Braille, large print or audio tape upon requests made a minimum of 48 hours prior to the meeting.

Hearing Assistance Devices are available upon request.

**ALL CITY COUNCIL AGENDAS ARE PLACED ON THE INTERNET EVERY FRIDAY AT THE ADDRESS BELOW:**

<http://www.elpasotexas.gov>